

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WA.No. 2333 of 2007

(AGAINST THE JUDGEMENT IN WPC.19579/2007 Dated 12/09/2007)

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APPELLANT:

P.N.KRISHNAKUMAR,
S/O.NANU EZHUTHASSAN,
"USHUS", HILL GARDENS, KUTTANALLUR,
THRISSUR- 680 014.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

1. INDIAN BANK,
GURUVAYOOR BRANCH,
TRICHUR DISTRICT,
REPRESENTED BY ITS MANAGER.
2. THE RECOVERY OFFICER,
RECOVERY SECTION OF THE DEBTS RECOVERY TRIBUNAL,
(KERALA & LAKSHADWEEP), 8TH FLOOR,
KSHB BUILDINGS, PANAMPILLY NAGAR, ERNAKULAM.
3. THE MANAGER,
RESERVE BANK OF INDIA,
DEPARTMENT OF BANKING SUPERVISION,
THIRUVANANTHAPURAM- 695 033.

R1 BY SRI.S.SREEKUMAR-STANDING COUNSEL FOR INDIAN BANK
R3 BY SRI.JACOB VARGHESE-STANDING COUNSEL FOR RBI.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25/09/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2333 of 2007

Dated this the 25th day of September, 2007.

J U D G M E N T

H.L.Dattu, C.J.

Sri.T.Krishnanunni, learned counsel appearing for the appellant, after arguing the matter for quite some time and after knowing the mind of the Court, sought for withdrawal of the writ appeal with liberty to question the correctness or otherwise of the auction sale conducted by the respondent Bank to recover the monies due to the Bank from the appellant in appropriate proceedings.

(2). The request of the learned counsel appears to be quite reasonable and if it is granted, it would not cause any prejudice to the respondent Bank. Therefore, the writ appeal is disposed of. Liberty is reserved to the appellant to question the correctness or otherwise of the sale held by the Recovery Officer of Debts Recovery Tribunal for recovery of the amount due to the Bank.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS